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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/718,761

11/21/2003

Michael C. Cook

18487

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23556 7590 09/07/2007
KIMBERLY-CLARK WORLDWIDE, INC.
Catherine E. Wolf
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

EWALD, MARIA VERONICA

ART UNIT

PAPER NUMBER

1722

MAIL DATE

DELIVERY MODE

09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/718,761

Applicant(s)

COOK ET AL.

Examiner

Maria Veronica D. Ewald

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 15, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

13. Claims 19 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: Prior art, fails to teach, either alone, or in combination, an insert, wherein the insert is a rod, said rod having at least a first portion and a second portion, along said length, said first portion having at a plurality of spaced apart locations, a single hole through said diameter, and a second portion having at a plurality of spaced apart locations at least two holes through said diameter.

Claim Rejections - 35 USC § 112

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 recites the limitation "said spaced apart locations" in line 2; however, there is insufficient antecedent basis for this limitation in the claim, since there is no prior mention in claim 13 of "spaced apart locations" only spaced apart holes therethrough. Appropriate correction is required.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Hodan, et al. (U.S. 5,397,227) or Meidhof, (U.S. 5,531,587) in view of Stevenson, et al. (U.S. 5,067,885). Both Hodan, et al. and Meidhof teach an apparatus for extruding filaments, wherein said apparatus is comprised of an extrusion die; a polymer supply in fluid communication with said extrusion die; a plurality of counterbores in said extrusion die allowing fluid communication between said capillaries and said polymer supply; and an adjustable insert for interrupting said fluid communication between said polymer supply and at least one of said extrusion capillaries. However, both references teach that the insert is a plate with a plurality of bores within such a plate. Neither teaches an insert wherein the insert is a rod, having a substantially circular cross-section and further having a plurality of spaced apart holes therethrough.

In a method to configure the extrudate flow from a die assembly, Stevenson, et al. teach the use of a single feed member (item 18 – figure 4), wherein the feed member is placed within the die head and can be quickly manipulated to be aligned with either a first or second die head passage (column 5, lines 60 – 68). The feed member is in the shape of a cylinder or rod (item 18 – figure 4), which can be maneuvered either

manually or automatically, such that the cylinder is rotated so that the feed channel is in alignment with the desired feed passage (column 6, lines 1 – 9). Furthermore, the feed member can have along its length a second feed passage or opening (item 38 – figure 6). By use of the rotatable feed member, the appropriate feed passage can be chosen quickly, and thus, the extrusion profile can be altered, eliminating the need for shutting down the extruder or the processing line, while maintaining productivity (column 6, lines 15 – 25).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the insert of either Hodan, et al. or Meidhof such that it is a rod, as taught by Stevenson, et al. for the purpose of altering the extrusion profile, as necessary, thereby eliminating the need to shut down the extruder or processing line.

Response to Arguments

16. Applicant's arguments, see pages 3 – 4, filed December 20, 2006, with respect to the rejection(s) of claim(s) 13 – 18 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. Applicant has argued that neither Hodan, et al. nor Meidhof teach an insert that is a rod having a substantially circular cross-section. Both Hodan, et al. and Meidhof teach inserts that are plates or shims. Examiner agrees. However, upon further consideration, a new ground(s) of rejection is made in view of Hodan, et al. or Meidhof in view of Stevenson, et al. Stevenson, et al. teach an adjustable insert, which is in the shape of a rod or cylinder with a first and second passage through the insert. The insert can be adjusted

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appropriately to align with the preferred feed channel through the die, such that the extruded profile can be altered.


Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Veronica D. Ewald whose telephone number is 571-272-8519. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVE


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700